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Washington, DC

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

AT&T MOBILITY, LLC

and

Case 05-CA-178637

MARCUS DAVIS

NOTICE TO SHOW CAUSE¹

On April 25, 2017, Administrative Law Judge Arthur J. Amchan issued a decision addressing complaint allegations that the Respondent violated Section 8(a)(1) by maintaining a certain work rule. The judge applied the “reasonably construe” prong of the Board’s decision in *Lutheran Heritage Village-Livonia*, 343 NLRB 646 (2004) (*Lutheran Heritage*). The judge also addressed another alleged unfair labor practice. Recently, the Board overruled the *Lutheran Heritage* “reasonably construe” test and announced a new standard that applies retroactively to all pending cases. *The Boeing Co.*, 365 NLRB No. 154, slip op. at 14-17 (2017). Having duly considered the matter,

NOTICE IS GIVEN that cause be shown, in writing, filed with the Board in Washington, D.C., on or before October 12, 2018 (with affidavit of service on the parties to this proceeding), why the complaint allegations involving the maintenance of an allegedly unlawful work rule should not be severed and remanded to the administrative law judge for further proceedings consistent with the Board’s decision in *Boeing*,

¹ Member Emanuel is recused and did not participate in this proceeding.

including reopening the record if necessary. Any response should address whether a remand would affect the Board's ability to resolve the remaining complaint allegations, including whether those allegations should be severed and retained or instead included in the remand. Any briefs or statements in support of the motion shall be filed on the same date.

Dated, Washington, D.C., September 28, 2018.

By direction of the Board:

/s/Roxanne L. Rothschild

Deputy Executive Secretary